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HOUSE JOINT MEMORIAL 83
46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY
Rick Miera

A JOINT MEMORIAL
REQUESTING THE STATE DEPARTMENT OF PUBLIC EDUCATION AND SCHOOL
DISTRICTS TO ESTABLISH CRITERIA FOR PROVIDERS OF SUPPLEMENTAL
SERVICES UNDER PROVISIONS OF THE FEDERAL NO CHILD LEFT BEHIND
ACT OF 2001.

WHEREAS, the federal No Child Left Behind Act of 2001
requires each state to establish a definition of adequate
yearly progress to be used in a single statewide accountability
system to measure the progress of all public schools and school
districts over the next twelve years; and

WHEREAS, the federal No Child Left Behind Act of 2001
requires that when a Title 1 school fails to make adequate
yearly progress for two consecutive years, the school district
must identify that school as a school in need of improvement
and the school's plan for school improvement must include ways

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1 to strengthen instruction and address the causes of failure;
2 and

3 WHEREAS, the federal act requires that parents of students
4 in schools receiving Title 1 funds that are identified as
5 schools in need of improvement have the option to transfer to
6 another public school in the school district that is not in
7 need of improvement, and parents of students in Title 1 schools
8 identified for their second year of schools in need of
9 improvement are eligible to receive supplemental educational
10 services for their children; and

11 WHEREAS, the federal act defines supplemental educational
12 services as extra academic assistance, including tutoring,
13 remediation and academic intervention, that must take place
14 outside of the regular school day to ensure that students
15 increase their academic achievement in core subjects, such as
16 reading, language arts and mathematics; and

17 WHEREAS, the federal act requires states to identify
18 eligible providers of supplemental educational services through
19 their state educational agencies and to direct those agencies
20 to develop objective criteria in consultation with parents and
21 to work with school districts on providing geographically
22 relevant provider lists; and

23 WHEREAS, according to the state department of public
24 education, approximately eighty percent of New Mexico's public
25 schools receive Title 1 funds appropriated to New Mexico

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1 through the No Child Left Behind Act of 2001;

2 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
3 STATE OF NEW MEXICO that the state department of public
4 education and local school districts be encouraged to give
5 priority to supplemental educational services providers who
6 have their principal place of business in New Mexico and who,
7 in addition to meeting the federal guidelines for providing
8 services to enable public schools to make adequate yearly
9 progress, have demonstrated prior experience and documented
10 success in improving the achievement of students; and

11 BE IT FURTHER RESOLVED that copies of this memorial be
12 transmitted to the superintendent of public instruction and the
13 director of the legislative education study committee.

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